Supreme Court, U.S.
FILED

961022 DEC 19 1996

OFFICE OF THE CLERK

NO._____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1996

WILLIAM HAWK DANIELS
PETITIONER

VERSUS

ANNETTE LASSALLE
RESPONDENT

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF LOUISIANA
PETITION FOR WRIT OF CERTIORARI

Linda Ritzie
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Attorney for Petitioner
Counsel of Record

23 pp

QUESTIONS PRESENTED

Whether petitioner was denied the opportunity to present his case for failure of the lower court to accord every reasonable interpretation of the language of his petition in favor of maintaining its sufficiency which departed from the accepted and usual judicial proceeding.

BASIS OF JURISDICTION

The judgment of the Louisiana Supreme Court (Appendix A., infra., page 1) was entered on September 20, 1996. The jurisdiction of the Supreme Court is invoked under 28: 1257, the court of last resort has sanctioned departure of the lower courts from the accepted and usual judicial proceeding as to call for the exercise of this Court's supervisory power.

STATEMENT OF THE CASE

This is a malicious prosecution and defamation action brought by petitioner, William Hawk Daniels on December 30, 1994, in the Nineteenth Judicial District Court, East Baton Rouge Parish, Baton Rouge, Louisiana. The petition sought damages from the respondent for malicious prosecution and defamation, as a result of criminal charges instigated against him for allegedly stalking respondent, a family court judge, in the Family Court of East Baton Rouge Parish.

On August 31, 1992, Daniels was arrested and imprisoned four days, and bond was set at $100,000.00. The "Stalking Law" had only been in effect ten days prior to Daniels' arrest. Newspaper article described Daniels as the "first person arrested under the new stalking law."

Daniels arrest by the Baton Rouge City Police Department for "Stalking" was based on the affidavit of probable cause of Sgt. Jackson, dated August 31, 1992. Sgt. Jackson relied on information provided by Judge Lassalle that Daniels was known to her because the Daniels' family had approached her to do some legal work for them involving a custody dispute. (See, Affidavit of Probable Cause, Appendix F., infra, pages 14-15). Further, Sgt. Jackson stated that Judge Lassalle told him that since the family approached her Daniels' had been harassing her and showing up at her residence at odd times. *Id.* Moreover, that Daniels had a fixation on her and would not leave her alone until something stops him. *Id.*

Lt. Col. Barnett, of the East Baton Rouge Sheriff's Office, allegedly documented a complaint received from Judge Lassalle regarding an alleged confrontation with Daniels in the garage of the governmental building. However, the initial report of Lt. Col. Barnett was not prepared until November 5, 1992, regarding an incident which allegedly occurred September 22, 1992, nearly a month after plaintiff's arrest.

In addition, according to Sgt. Jackson's affidavit, it was not until after he contacted Col. Barnett, who told him that he had several incidents under investigation and that Daniels had been to the Judge's house at two in the morning and was seen looking in the rear window, was Daniels charged with stalking. *Id.*, page 14.

Lassalle filed declinatory exception of lis pendens arguing that Daniels had filed a similar suit pending in federal court and that the state court's petition stated a cause of action for the same false arrest and false imprisonment; and peremptory exception of prescription, arguing that any defamation had occurred on the date of arrest. Daniels filed an opposition to the exceptions and maintained that his causes of action had been mischaracterized as false arrest and false imprisonment, and argued that his petition stated a cause of action for malicious prosecution and defamation

The trial judge ruled that plaintiff's petition failed to state a cause of action for malicious prosecution, that the petition stated a cause of action for false arrest and false imprisonment, both prescribed, therefore the issues of lis pendens was moot (See judgement of trial court, Appendices C & D infra. pages 4-7.) Further, the court ruled that the defamation arose the day the plaintiff was arrested, therefore had also prescribed *Id.*, page 6. Petitioner's suit was dismissed with prejudice *Id.*, page 4. From that ruling petitioner appealed to Louisaiana First Circuit Court of Appeals, which affirmed the judgment of the Nineteenth Judicial District Court (See Deci-

sion of First Circuit Court of Appeals, Appendix B., infra., pages 2-3.) From that adverse ruling, petitioner applied for a writ or certiorari to the Supreme Court of Louisiana. On September 20, 1996, the Supreme Court of Louisiana issued its denial (See denial of writ of certiorari of the Supreme Court of Louisiana, Appendix A., infra., page 1.)

REASONS FOR GRANTING WRIT

I.

Louisiana retains the system of fact pleading; where conclusion unsupported by fact does not set forth a cause of action or right of action. Louisiana Code Civil Procedure Article 854. In this case, plaintiff plead all facts in the case in order to set forth his cause of action for malicious prosecution and defamation. The defendant at no time raised the exception of no cause of action or questioned the sufficiency of the language of the petition. The court should have considered plaintiff's petition to determine whether or not it attempts to state a cause of action, other than one for false arrest and false imprisonment and every reasonable interpretation should have been accorded the language of the petition in favor of maintaining its sufficiency and affording the plaintiff an opportunity to present his case. *Hero Lands v. Texaco*, 310 So. 2d. 93, 96 (La. 1975).

Daniels' petition filed in this case was based on an action for malicious prosecution and defamation. To maintain an action for malicious prosecution and/or defamation, it is well established in Louisiana that a cause of action does not come into existence until the termination of the prosecution. *Hibernia National Bank of New Orleans v. Bolleter*, 390 So. 2d 842 (La. 1980), *Dubois v. State through Department of Public Safety*, 466 So. 2d 1381 (La. App. 3 Cir. 1985).

A dismissal of prosecution or an abandonment of prosecution by the district attorney is considered a termination of the

prosecution in favor of the petitioner for the purpose of having a cause of action for malicious prosecution. *Parks v. Winnfield Life Insurance Co.*, 336 So. 2d 1021 (La. App. 3 Cir. 1976); writ denied, 339 So. 2d 351 (La. 1976); *Harvey v. Bertaut*, 303 So. 2d 211 (La. App. 4 Cir. 1974); *Sazdoff v. Bourgeois*, 301 So. 2d 423 (La. App. 4 Cir. 1974). In this case, petitioner contends that the case was concluded when the time for institution of prosecution prescribed.

In the case of *Reese v. City of Baton Rouge*, 644 So. 2d 647, 93-1957 (La. App. 1st Cir. 1994), the court relying on the decisions of *Miller v. East Baton Rouge Parish Sheriff's Department*, 511 So. 2d 446, 452 (La. 1987) and *Jones v. Soileau*, 448 So. 2d 1262,1271 (La. 1984), stated as follows:

> An action for malicious prosecution in a criminal proceeding lies in all cases where there is a concurrence of the following elements: 1. The commencement or continuance of an original criminal proceeding; 2. Its legal causation by the present defendant against plaintiff who was defendant in the original proceeding; 3. Its bona fide termination in favor of the present plaintiff; 4. The absence of probable cause for such proceeding. 5. The presence of malice therein; and 6. Damage conforming to legal standards resulting to plaintiff. *Id.* at 676.

In this case, Daniels alleged in his petition for damages based on malicious prosecution and defamation the following:

1. That Lassalle commenced and/or continued an original criminal proceeding against him; (Plaintiff Petition, para. XIV, Appendix E., infra, page 10)

2. The legal cause was by the present defendant against Daniels who was the defendant in the original proceeding; *Id.*

3. A bona fide termination of the criminal proceeding in Daniels' favor; *Id.* para. XVII, page 11.

4. That there was an absence of probable cause for such proceeding; *Id.* para. XIV, page 10.

5. Malice in this case is presumed; and

6. Damages resulting to plaintiff. *Id.* para. XXI, page 11.

Malicious prosecution was not asserted in Daniels' civil rights suit, nor could have been. The material fact supporting the claim for malicious prosecution and defamation is the termination of the pending action against him. The time for institution of prosecution against Daniels prescribed on August 31, 1994, and the petition for damages was filed December 30, 1994, therefore petitioner maintains that it was timely.

Dismissal of prosecution or abandonment by district attorney is considered termination of proceeding in favor of petitioner for purposes of having a cause of action for malicious prosecution La. Civ. Code Art. 3492.

Although the district court and the court of appeals concluded that there was no criminal proceeding commenced because no bill of information or indictment was filed, if they are correct, then arguably, a person could be arrested, charged with a criminal offense, imprisoned, bail set, subjected to a sanity examination by the coroner and a Psychiatrist and no criminal proceeding would have commenced. Petitioner maintains that he was subjected to criminal proceedings; criminal proceedings from which he sustained damage and continues to suffer damage for which he should be provided the opportunity to present his case.

II.

Petitioner contends that under circumstances in this case, the action for malicious prosecution and/or defamation did not come into existence until the underlying proceeding was concluded, therefore had not prescribed.

Essential elements of malicious prosecution, while different from those of defamation, see *Young Oil Co. of Louisiana Inc. v. Dinbis*, 412 So. 2d 620 (La. App. 2d Cir. 1982), nevertheless, the two facts share the prerequisite that claims arriving from allegations in another suit do not come into existence until the termination of the underlying action. *Manuel v. Desotels*, 160 La. 652,107 So. 478 (1926).

In this case, the district attorney could have instituted prosecution up to two years after the alleged commission of the offense Daniels was arrested for, or until August 31,1994. Code of Criminal Procedure Art. 572; La. R.S. 14:40.2 B(1). Prescription period for delictual action as provided pursuant to Louisiana Civil Code Article 3492, are subject to a liberative prescription of one year. This prescription commences to run from the date injury or damage is sustained. Therefore, the action filed, December 30, 1994 had not prescribed.

CONCLUSION

WHEREFORE, petitioner, William Hawk Daniels respectfully prays that a writ of certiorari will be granted.

Respectfully submitted:

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APPENDIX A

THE SUPREME COURT OF THE STATE OF LOUISIANA

WILLIAM HAWK DANIELS

VS. NO. 96-C - 1462

ANNETTE LASSALLE, JUDGE
19TH JUDICIAL DISTRICT COURT

IN RE: Daniels, William Hawk; - Plaintiff(s); Applying for Writ of Certiorari and/or Review; Parish of East Baton Rouge 19th Judicial District Court Div."I Number 412,973; to the Court of Appeal, First Circuit; Number CA95 1666

September 20, 1996
Denied.
HTL
PFC
JCW
BJJ
JPV
EJB

MARCUS, J. not on panel.

Supreme Court of Louisiana
September 20, 1996

APPENDIX B

NOT DESIGNATED FOR PUBLICATION
STATE OF LOUISIANA COURT OF APPEAL
FIRST CIRCUIT

NO. 95 CA 1666

DECISION RENDERED: MAY 10, 1996

******

WILLIAM HAWK DANIELS

VERSUS

ANNETTE LASSALLE, JUDGE
19TH JUDICIAL DISTRICT COURT[1]

******

ON APPEAL FROM THE NINETEENTH
JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA TRIAL COURT NO. 412,973
HONORABLE WILLIAM H. BROWN, JUDGE PRESIDING

******

Linda Ritzie **Attorney for Plaintiff-Appellant**
Baton Rouge, Louisiana
Christine Lipsey **Attorney for Defendant-Appellee**
Baton Rouge, Louisiana

******

BEFORE: WATKINS, CRAIN AND TANNER, JJ.[2]

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[1] Daniels' petition is misstyled; Annette Lassalle is judge for the Family Court of East Baton Rouge Parish.

[2] Judges Hillary J. Crain and Thomas W. Tanner, retired, are serving as judges *pro tempore* by special appointment of the Louisiana Supreme Court.

TANNER, JUDGE PRO TEMPORE.

William Hawk Daniels was arrested and imprisoned on August 31, 1992. Any action for false arrest and defamation per se prescribed one year from the date of the arrest, on August 31, 1993. Mr. Daniels was released on September 4, 1992. Any action for false imprisonment prescribed one year from the date of release, or September 4, 1993. Mr. Daniels' action for damages for false arrest, false imprisonment and defamation was filed on December 30, 1994, far more than one year following the date of the alleged false arrest and imprisonment. Mr. Daniels' petition fails to state a claim for malicious prosecution, as no bill of information was filed and no indictment was returned. Accordingly, the judgment of the trial court dismissing Mr. Daniels' claims on the basis of prescription is affirmed.[3] Costs of this appeal are assessed to Mr. Daniels.

AFFIRMED.

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[3] Mr. Daniels filed an action in federal court alleging the same facts as those alleged herein and stating a claim pursuant to 42 U.S.C. § 1983 for violation of his civil rights, i.e., false arrest and false imprisonment. In an unpublished opinion, on March 18, 1996, the United States Fifth Circuit affirmed the dismissal of Mr. Daniels' action, agreeing that such action was prescribed one year following the date of arrest and confinement. **Daniels v. Lassalle**, No. 95-30766, slip op. (5th Cir. 1996).

APPENDIX C

WILLIAM HAWK DANIELS NO. 412, 973 DIV. C
VERSUS
19TH JUDICIAL DISTRICT COURT
ANNETTE LASSALLE
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

JUDGMENT

This case came on for hearing on defendant's declinatory exception of *lis pendens* and peremptory exception of prescription, pursuant to regular assignment and after notice. Attorneys for plaintiff and defendant were present in court.

The Court, after hearing the argument of counsel and reviewing the memoranda and supporting documents and considering the law and evidence as being in favor of defendant, rendered the following decree:

IT IS ORDERED, ADJUDGED AND DECREED that defendant's peremptory exception of prescription is hereby granted and that the plaintiff's suit be dismissed, with prejudice, at the cost of plantiff. Defendant's declinatory exception of *lis pendens* is moot in light of the Court's ruling on the peremptory exception of prescription.

Judgment rendered on the 20th day of March, 1995.

Judgment read and signed in Chambers in Baton Rouge, Louisiana, this 23 day of March,1995

s/ William H. Brown
JUDGE, 19TH JUDICIAL DISTRICT COURT

Respectfully submitted:
BREAZEALE, SACHSE & WILSON, L.L.P.
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BY: s/ Christine Lipsey
Louisiana Bar Roll No. 1182
Attorneys for Annette Lassalle

APPENDIX D

WILLIAM HAWK DANIELS NO. 412,973 DIVISION "I"
VS

19TH JUDICIAL DISTRICT COURT

ANNETTE LASSALLE

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

ORAL REASONS FOR JUDGMENT
MARCH 20, 1995
THE HONORABLE WILLIAM H. BROWN, JUDGE RESIDING

IN PREPARATION FOR THE EXCEPTIONS THIS MORNING, THE COURT WAS CONCERNED RELATIVE TO THE LIS PENDENS AND THE PRESCRIPTION TO THIS REGARD: IT APPEARS THAT THE ALLEGATIONS OF FACT IN THE AUGUST 17, 1994 FEDERAL SUIT PARALLEL THE SAME ALLEGATIONS IN THE STATE COURT SUIT THAT WAS FILED DECEMBER 30, 1994.

PLAINTIFF'S MEMORANDUM STARTED TALKING ABOUT MALICIOUS PROSECUTION. WE KNOW THAT MALICIOUS PROSECUTION WITH REGARDS TO PRESCRIPTION, IT DOES NOT START UNTIL EITHER (1) A PERSON IS FOUND NOT GUILTY, OR ABANDONMENT OF THE BILL OF INFORMATION OR INDICTMENT. BUT IN LOOKING AT THE PETITION I COULD NOT FIND ANY FACTS THAT WARRANT FINDING THAT PLAINTIFF HAS FILED A CAUSE OF ACTION FOR MALICIOUS PROSECUTION. NOWHERE IN THERE DOES IT SAY ANYTHING ABOUT A BILL OF INFORMATION BEING FILED AND/OR INDICTMENT. HAD THERE BEEN, THEN I WAS THINKTNG ABOUT STAYING THE MATTER UNTIL THE FEDERAL COURT HAS TAKEN CARE OF THOSE MATTERS AND THEN COMING BACK HERE AND TAKING CARE OF THE MALICIOUS PROSECUTION CAUSE OF ACTION. BUT

IT IS NOT IN THESE PLEADINGS. MALICIOUS PROSECUTION IS NOT THERE BECAUSE THE LAW, AS I INDICATED EARLIER, IN THE TWO CASES, THE **GRAHAM** AND THE **EDMOND** CASES INDICATE THAT THERE WAS TO BE A BILL OF INFORMATION OR INDICTMENT FILED BEFORE THERE CAN BE A CAUSE OF ACTION.

SO, WHAT THE COURT WILL DO IS RULE ON THE PRESCRIPTION. IT WILL NOT BE NECESSARY TO RULE ON THE LIS PENDENS BECAUSE, NUMBER ONE, FROM THE ALLEGATIONS OF FACT IT IS ALLEGED THAT THE ARREST — THE FALSE ARREST, ACCORDING TO PLAINTIFF, TOOK PLACE ON AUGUST 1, 1992. SUIT WAS FILED DECEMBER 30, 1994. ONE YEAR PRESCRIBED.

FALSE IMPRISONMENT. RELEASED ON SEPTEMBER 4, 1992. LAWSUIT FILED DECEMBER 30, 1994. MORE THAN ONE YEAR.

DEFAMATION. THE ALLEGATION THAT HE WAS STALKING, THE LAW IS THAT IF A PERSON ACCUSES SOMEONE OF COMMITTING A CRIMINAL ACT THAT CAN BE DEFAMATION PER SE, THAT WAS — HE WAS ALLEGED TO HAVE BEEN STALKING ON AUGUST 31, 1992. SUIT FILED DECEMBER 30, 1994. MORE THAN ONE YEAR. SO THE COURT FINDS THAT THOSE CAUSES OF ACTION HAVE PRESCRIBED. THE COURT WILL NOT GIVE YOU ANY TIME TO AMEND TO STATE A CAUSE OF ACTION BECAUSE I DO THAT WHENEVER I RULE THAT THERE IS NO CAUSE OF ACTION THEN I ALLOW, UNDER THE CODE, A PERSON A PERIOD OF TIME TO AMEND TO STATE A CAUSE OF ACTION. BUT THERE HAS BEEN NO PEREMPTORY EXCEPTION OF NO CAUSE OF ACTION FILED IN THIS MATTER. THEY DID NOT FILE ONE WITH REGARDS TO MALICIOUS PROSECUTION BECAUSE NO SUCH CLAIM WAS MADE.

SO MADAM CLERK, FOR THE MINUTE ENTRY SHOW THAT THE LIS PENDENS IS MOOT; THE COURT GRANTS THE PEREMPTORY EXCEPTION OF PRESCRIPTION, FALSE ARREST, FALSE IMPRISONMENT AND DEFAMATION.

JUDGMENT WILL BE SIGNED ACCORDINGLY.

APPENDIX E

WILLLM HAWK DANIELS NUMBER 412,973 DIV I
19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

ANNETTE LASSALLE, JUDGE
STATE OF LOUISIANA

PETITION FOR DAMAGES

The petition of William Hawk Daniels ("Daniels"), domiciled in the Parish of East Baton Rouge, State of Louisiana, with respect shows that.

I.

Made defendant herein is Annette Lassalle ("Judge Lassalle:), an individual domiciled in the Parish of East Baton Rouge, State of Louisiana.

II.

Defendant, Judge Lassalle, is liable unto plaintiff for damages sustained by plaintiff as a result of wrongful arrest and confinement for the following:

III.

On or about August 31, 1992, Daniels went by Judge Lassalle's home and placed a personal note in her door, as he had done on prior occasions, Daniels alleges that he and Judge Lassalle has had a long-term relationship.

IV.

On the above mentioned date, soon after Daniels had driven off on his motorcycle, he was pulled over by Officer R. Cockrell of the Baton Rouge City Police Department who advised him that he was being arrested for obstructing justice. See Exhibit A, in globo.

V.

The said police officer, without revealing who had filed a complaint, placed Daniels in his police car, impounded his motorcycle and transported him to the Highland Road Substation.

VI.

That once at the said police substation Daniels was advised that he was under arrest for "STALKING" he was not informed who had accused him of stalking or the dates of the alleged offense.

VII.

On the same date as above, Daniels was fingerprinted, his picture was taken, and he was transported to East Baton Rouge Parish Prison where he was booked for committing the crime of "STALKING."

VIII.

On or about August 31, 1992, Daniel's bond was set at $100,000.00 for the charge of "STALKING," which carries a sentence of six months or a fine of $1,000.00, and under Louisiana Law, is a misdemeanor.

IX.

Petitioner shows that the crime of stalking was added to the statute by acts of 1992, No. 8, Section 1, the effective date August 21, 1992. A copy is attached hereto as Exhibit "B."

X.

On or about September 1, 1992, Daniels was examined by Dr. Hypolite T. Landry, Coroner of East Baton Rouge Parish, allegedly at the request of Judge Bob Hester. On the same date, Dr. Landry also interviewed Judge Lassalle who upon information and belief informed Dr. Landry that Daniels was a heavy drinker and needed some kind of treatment.

XI.

Said defendant, Judge Lassalle willfully and maliciously informed the Coroner, Dr. Landry that Daniels was a heavy drinker and that he had waited by her car and screamed at her and threatened her life.

XII.

On or about September 2, 1992, Daniels, without his consent, was transported by Lt. Twine ofthe East Baton Rouge Sheriff's Office, ("EBRSO") handcuffed, and feet shackled to Our Lady of the Lake Hospital fr a sanity examination by Dr. Frank Silva. Daniels had not been arraigned, or formally charged by the district attorney

XIII.

That on September 2, 1992, an article appeared in the State Time and Morning Advocate Newspaper, entitled "Baton Rouge Man 1st STALKING' law arrest, official say." A copy of the newspaper article is attached as Exhibit "C."

XIV.

Defendant, Judge Lassalle maliciously and without probable cause had Daniels wrongfully arrested and confined by the following:

A. Filing false reports to the Baton Rouge Police Office; and

B. Filing false reports to the East Baton Rouge Parish Sheriff Office.

XV.

Defendant, Judge Lassalle, imputed the crime of stalking to Daniels, which is "defamation per se" according to interpretive jurisprudence.

XVI.

July, 1994, Daniels learned that at the request of Judge Lassalle no bill of information would be filed against him.

XVII.

August 31, 1994, prescription ran for the institution of prosecution for the charge of stalking, therefore, the proceeding against Daniels has terminated in his favor.

XVIII.

Since the occurrence of the events complained of, your petitioner has continued to be mentally and physically upset, he has been unable to sleep regularly at night or eat regularly, and unable to work on a regular basis.

XIX.

Petitioner, since the occurrence of said events has been in a highly nervous condition and has been unable to put the said events out of his mind.

XX.

In addition to suffering physically from his arrest and confinement and mental examination, petitioner has suffered embarrassment and humiliation because of the knowledge of his arrest for "STALKING" in the following non-exclusive ways:

(a) The newspaper article was known to his family, neighbors, friends and associates.

(b) Petitioner who was referred to by his middle name, "HAWK" is now know as "STALK. "

(c) On September 1, 1992, petitioner's mug shot was posted on the 9th floor of the Governmental Building, the same floor as Judge Lassalle's court room.

(d) On or about September 8, 1992, petitioner went to Phil Brady's, a local establishment he frequented prior to his arrest, and was asked by the owner to leave and not come back because he did not want his female customers afraid they would be in danger.

(e) On or about November, 1993, petitioner, accompanied by a lady friend George's and establishment located on Perkins Road, Baton Rouge, Louisiana and a stranger approached his lady friend to warn her that the person she was with, Daniels was dangerous.

(f) On or about March 20, 1994, again petitioner was asked to leave by the owner of George's, who threatened to call the police.

(g) Daniels was not released from parish prison until September 4, 1994, after his mother offered her home as security for the $100,000,00 bond.

XXI.

Petitioner itemizes his non exclusive damages as follows:

1. Mental anguish and suffering:
2. Damage to reputation:
3. Embarrassment and humiliation;
4. Lost wages; and
5. Medical expenses.

XXII.

Petitioner is entitled to recover damages in amounts adequate to pay for all of his damages, past, present and future.

XXIII.

Petitioner is entitled to and desire trial by jury.

WHEREFORE, plaintiff, William Hawk Daniels, respectfully prays that the defendant, Annette Lasssalle, Judge, 19th Judicial District Court, be cited and served with this petition to be required to appear and answer same and after expiration, of delays and due proceedings had, that there be judgment rendered herein in favor of the plaintiff for any and all injuries and damage and which he has suffered and which he may suf-

fer in the future, together with legal interest thereon from the date of judicial demand until paid and all costs of these proceedings. Plaintiff further prays for trial by jury

Respectfully submitted:
s/ Linda Ritzie (#20342)
P.O. Box 15134
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PLEASE SERVE:
Annette Lassalle
Judge, Family Court
19th Judicial District Court
Parish of East Baton Rouge
State of Louisiana

or

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Baton Rouge, Louisiana 70807

APPENDIX F

STATE OF LOUISIANA	NO._____, SEC._____
CITY OF BATON ROUGE	19TH JUDICIAL DISTRICT COURT
	BATON ROUGE CITY COURT
VERSUS	PARISH OF EAST BATON ROUGE
WILLIAM H. DANIELS	STATE OF LOUISIANA

AFFIDAVIT OF PROBABLE CAUSE

Before me personally appeared the undersigned law enforcement officer(s) who deposed that the following recited facts are true and correct to the best of his knowledge, information and belief, and that based upon these facts he caused the arrest of the following listed defendant(s) for the listed offense(s):

92-73718
BRPD File No.

William H. Daniels
1323 Sierra Vista Drive,
Baton Rouge, Louisiana
Stalking

On Monday, 8/31/92, at 1541 Hrs. affiant shows that a call was dispatched at the residence of Judge LaSalle wherein a W/M was in front of her house on a motorcycle making threats toward her. On arrival, Affiant found a hand written note tucked in the front door of the judge's house. Upon speaking to Judge LaSalle, affiant learned that the W/M individual had showed up at her house on several occations and left another note on 8/12/92. Additionally the accused accosed the Judge in the parking lot of the Centroplex where he threatened her. Affiant contacted Col. Mike Barrnett with the EBRSO and learned that at least four other incidents had been reported to him under file number 92-37273 (EBRSO). The Judge was very upset about the fact that she is being followed and harassed at her home by the accused. She states that she was approached

to do some legal work by the accused and his family but could not due to her status as a judge. Affiant shows that the accused is known by the Judge and that the accused has a pattern of harassment including showing up at the Judge's house at odd hours in the morning, leaving notes, usually love type notes, and following the Judge. He has also been seen riding up and down in front of the Judge's residence. The Judge is annoyed and fearful of the actions that the accused may take in the future.

Sworn to and subscribed before me this 31st day of August, 1992.

s/ Sgt. Stehpen Jackson
Notary Public